REMARKS

The examiner has objected to Claim 7 because of a grammatical error. Applicant does not understand what the error might be. Applicant has amended the claim to call for "an enhancement listing generator providing an enhanced listing of programs that are sequentially provided with enhanced presentations on said presentation means to assist the user to select the programs." It is believed that this is clear and grammatically correct. Applicant has also amended claims 14 and 16 to make them dependent on claim 13. Applicant has also amended claim 17 to "change "combination" to "system" to be consistent. This amendment does not add any new issues to the appeal since claim 13 has not been changed.

If the examiner persists in the rejection it is respectfully requested that this amendment be entered for purposes of appeal.

Claims 7, 8, and 11-17 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Matthews, III et al. (U.S. Patent No. 6,469,721; hereinafter Matthews) and Mills et al. (U.S. Patent No. 5,513,306; hereinafter Mills).

Applicant's claim 7, as amended, calls for: "A computer system comprising:

a processor, an operation system memory containing programs and a presentation means;

an enhancement listing generator providing an enhanced listing of programs that are sequentially provided with enhanced presentations on said presentation means to assist the user to select the programs; said enhancement generator responsive to user operations to generate and store user selected enhanced presentations in a recall menu to aid the user to later select the stored program and responsive to later user operations to generate said user selected enhanced presentation when the user later reviews the listing; and

means for selecting said program."

As stated by the examiner Matthews does not teach the generation and storing of user selected enhancement presentation for later selection. The Mils reference as stated in the referenced text on col.3, lines 22-30 is about a computer system that includes a mass storage device, a control device and a display and functions for controlling an editing video information input from a video source. The user of the editing system is presented with a video window for displaying the video information, a control window for regulating playback of the video, and a log window for displaying the video information represented by hierarchical –organized rows of temporally sequenced key frames. A key frame is a pictorial label for a segment of video information. The user manipulates a magnifier to select a subportion of the representation in order to select a subportion of the database of information

The examiner references Col. 7, lines 1-10 and Col. 9, line 62 through Col. 10, line 39 and Figure 6. The Mills reference teaches how to facilitate the use of a video log or path or even a key frame and store that information for a different time. It is not seen where the Mills reference teaches an enhancement listing generator providing an enhanced listing of programs that are sequentially provided with enhanced presentations on the presentation means to assist the user to select the programs. It is not seen where this enhancement listing generator is responsive to user operations to generate and store user selected enhanced presentations in a recall menu to aid the user to later select the stored program and responsive to later user operations to generate the user selected enhanced presentation when the user later reviews the listing. The examiner argues that one would have been motivated to make such a combination because this allows for the

user to choose the most representative portion of the body of works in their own eyes. Where is this combination taught in the references?

Furthermore, in regard to combining the cited prior art, reference is made to In re Fritch, 23 USPQ2d 1780 and particularly the portion thereof at page 1783 under "Prima Facie Obviousness" where the Court stated:

> "In proceedings before the Patent and Trademark Office, the Examiner bears the burden of establishing a prima facie case of obviousness based upon the prior art. '[The Examiner] can satisfy this burden only by showing some objective teaching in the prior art or that knowledge generally available to one of ordinary skill in the art would lead that individual to combine the relevant teachings of the references.' The patent applicant may then attack the Examiner's prima facie determination as improperly made out, or the applicant may present objective evidence tending to support a conclusion of nonobviousness.'"

and later stated:

> "'Obviousness cannot be established by combining the teachings of the prior art to produce the claimed invention, absent some teaching or suggestion supporting the combination. Under section 103, teachings of references can be combined only if there is some suggestion or incentive to do so.' Although couched in terms of combining teachings found in the prior art, the same inquiry must be carried out in the context of a purported obvious 'modification' of the prior art. The mere fact that the prior art may be modified in the manner suggested by the Examiner does not make the modification obvious unless the prior art suggested the desirability of the modification."

There is no suggestion in the references to the combination claimed or the desirability of the modification absent the teachings of the applicant. The examiner is not relying on the references to teach the combination but on the teachings of the applicant. This is proscribed hindsight reasoning.

Claims 8 and 11 – 17 dependent on claim 7 are deemed allowable for at least the same reasons. Claim 8 further calls for the enhanced presentations to be pictures. Claim 11 further calls for the system to include an Internet connection and browser and the enhanced presentations are received from a remote source. Claim 12 further calls for the listing items are HTML tags with addresses and the enhancements are samples from the addresses.

Claim 13 further calls for the enhanced listing being presented item by item to provide enhanced presentations for a brief period of time sufficient to allow a user to decide on a selection. As stated previously this is not shown in Matthews. The examiner references col. 15, lines 9-60. The text states that when an application is selected, the preview data structure allows for quick execution and display of the preview. The application has to be selected to get the preview. This does not teach sequentially presenting item by item to present enhanced presentations for a brief period of time. It is not seen where this is taught in col. 4, lines 17-39 or in Figure 22.

Claim 14, as amended, is dependent on claim 13 and further calls for audio sequences.
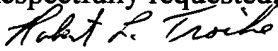
Claim 15 is dependent on Claim 14 and further calls for the audio sound sequences are from MP3 plug-ins. The references do not teach this.

Claim 16, as amended, is dependent on claim 13 and further calls for the enhancement to be pictures and/or video sequences.

Claim 17 is dependent on claim 16 and further calls for the pictures are from an MPEG 4 or JPEG plug-in or plug-in for other video image formats.

Since there are no other reasons for rejection applicant's claims 7, 8 and 11-17 are deemed allowable and an early notice of allowance is deemed in order and is respectfully requested.

Respectfully requested;

Robert L. Troike (Reg. 24183)

Telephone No.(301) 751-0825